

## MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



### Why “Smart on Crime” is Better Than “Tough on Crime”

Ten top questions and answers about support for Maryland’s Justice Reinvestment Initiatives:

#### ***10. Does Maryland’s Prison System Need a Revolving Door?***

Unless we always impose the death penalty or life without parole, all offenders are coming back to your town sometime. By itself, prison doesn’t make them behave better.

#### ***9. Isn’t Reoffending Inevitable?***

Prison, with minimal treatment, results in more than half of those released committing new offenses within 3 years or less. Until 10 years ago, Maryland’s reoffense rate was over 50%— now, it’s still over 40%. But, in Virginia, Oregon and other places reoffense rate has been cut to the 20% range.

#### ***8. Could Maryland’s Criminal Courts Systematically Identify or Treat Causes of Crime?***

With proven standardized questions, offenders generally can be classified as “low risk,” “high risk” or some level between. These standardized questions are called a “risk-needs assessment (RNA)” because they also can identify factors that helped cause the offense and that, if treated, can help prevent new offenses (e. g., substance abuse, homelessness, joblessness, mental health problems, antisocial peers, family dysfunction). Without use of such standardized questions, professionals are only 1/3 as accurate in risk-level assessment.

In over 90% of Maryland criminal cases, sentencing decisions are made without risk-assessment and judges are never told whether an offender is “low risk,” “high risk” or in between. Judges have no standardized method to learn what factors caused an offender to commit an offense.

#### ***7. Are Some Offenders “Low Risk”? What Does That Mean?***

With no prison or intensive treatment, “low risk” offenders are 15-25% likely to reoffend within 3 years. With prison or intensive treatment, “low risk” offenders are made three times worse! (Prison or mixing with higher risk offenders takes away protective factors (jobs, family connections, good habits) and replaces them with pro-criminal factors (unemployment, law-breaking peers, substance abuse, other bad habits).

Without intensive treatment, “high risk” offenders are about 50% likely to reoffend. With intensive treatment, “high risk” offenders can be made two times less likely (under 20%) to reoffend! They learn good habits (employment, mental health counseling, positive family/community contacts, stable housing) that deter new offenses. Changes to “collateral consequences” laws also could give those with criminal records a better chance to apply for jobs they are qualified to do.

#### ***6. What Difference Does Employment Make?***

Employment is a key for rehabilitation. With regular employment, scientific studies show that even a high risk offender is only half as likely to commit a new offense.

#### ***5. How Could “Reentry” Programs Help?***

“Reentry” programs that assist returning offenders get employment and provide other treatment of risk factors can cut the reoffense rate even more—many such comprehensive “REENTRY” programs report fewer than one in ten with new offenses.

#### ***4. Why Should Taxpayers Pay to Support Employment and Reentry Programs for Offenders?***

It's important to recall that Maryland taxpayers NOW support offenders while they are imprisoned at the average annual cost of Maryland prisons costs over \$38,000 per year per inmate.

But many inmates—particularly elderly and medically disabled prisoners—may cost between \$50,000 to \$75,000 per year including health care, as Medicare is not available for prison inmates.

Drug treatment and employment programs cost less than half the average cost, but could reduce repeat offenses by half or more - and, in turn, could shut the revolving door of offenders returning to prison for still more costly taxpayer support.

When an offender becomes rehabilitated and employed, he then can pay his own way, pay his own taxes, and support his own children, thus improving finances and family values in our communities.

#### ***3. Should Other Maryland Communities Pay for “Drug Infested Inner-City Neighborhoods?”***

Drug abuse does not start or stop at the city line or the county line.

Studies show that white and black citizens abuse drugs at roughly the same rates. But, African-American males are arrested, charged, convicted and incarcerated at three times the rate of white-males. Once saddled with a criminal record, dealing drugs may be one of the few ways an African-American male can pay for a family and for an untreated drug habit.

To be fair and to stop the spread of drug abuse, Maryland must provide drug treatment and reentry for communities in every part of the state. Justice Reinvestment advocates that “all reentry programs must be local.” —In other words, each county should cooperate to provide reentry treatment and employment programs for offenders who are “returning citizens” of the county.

#### ***2. Where Will All The Money Come From?***

As Maryland prisons are reduced in size and closed in favor of drug treatment, local reentry and other programs, tens of millions of dollars can be placed in funds to pay for these alternatives to prison. See former Governor Ehrlich's observations that “if implemented, these policies will reduce Maryland's prison population by 14 percent over the next 10 years, saving \$247 million for taxpayers.” <http://www.ma4jr.org/common-sense-justice-reform-in-md/>

Importantly, the earlier “diversion” programs can be provided, the less they cost and the more crimes are prevented. For example, defendants who need and cooperate with mental health or drug treatment may never need to go to criminal court or to jail.

Another proven-effective and inexpensive type of diversion involves “restorative justice” programs. In many Maryland communities, restorative justice programs give youthful offenders, victims, family members, and others the chance to meet and to reach agreements to resolve their conflicts. Over 90% satisfaction and reduced reoffending results—without requiring the time and costs of criminal court action.

#### ***1. Doesn't the Public Demand that We “Lock 'Em Up”?***

Definitely, violent offenders must be taken off the streets and incarceration can play an important role in breaking the cycle for a high risk offender.

But studies show that simply making sentences longer doesn't actually deter new offenses.

Importantly, studies show that the public in Maryland and around the U.S. favors changes in criminal justice laws by large majorities. Particularly, for nonviolent offenders—including drug offenders—majorities disfavor mandatory prison sentences that take discretion away from judges and give it to prosecutors instead.